

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 2:23-cr-20588

v.

Honorable Susan K. DeClercq
United States District Judge

DEANDRE MARTEZ GRAHAM,

Defendant.

**ORDER DENYING IN PART AS MOOT AND DENYING IN PART
WITHOUT PREJUDICE THE GOVERNMENT’S MOTION *IN LIMINE* TO
EXCLUDE CHARACTER EVIDENCE, PRIOR CONVICTIONS OF A
NON-TESTIFYING WITNESS, CONSEQUENCES OF CONVICTION, OR
JURY NULLIFICATION (ECF No. 37)**

On February 3, 2025, before this criminal case was reassigned to the undersigned, the Government filed a motion *in limine* to preclude evidence or argument relating to improper character evidence, prior convictions of a non-testifying witness, punishment or collateral consequences of conviction, and jury nullification. ECF No. 37.

After the case was reassigned, the parties filed several new motions *in limine* addressing some of the same issues—including improper character evidence, *see* ECF Nos. 56; 57, and prior convictions of a non-testifying witness, ECF Nos. 66;

71. Because this Court has since resolved these issues, *see* ECF Nos. 67; 75; any of the same arguments contained in the present motion, ECF No. 37, are now moot.

This leaves only the arguments related to consequences of conviction and jury nullification. ECF No. 37 at PageID.163–65. Although both types of arguments would be improper, the Government has not cited any specific evidence or argument that Graham might present which could result in either being mentioned. Indeed, at the final pretrial conference, Defense Counsel expressly disclaimed any intent to assert these arguments. The motion will therefore be denied without prejudice at this juncture. However, if any such evidence or argument arises during trial, the Government may re-raise these issues and seek a ruling outside the jury’s presence.

Accordingly, it is **ORDERED** that the Government’s Motion *in Limine*, ECF No. 37, is **DENIED IN PART AS MOOT AND DENIED IN PART WITHOUT PREJUDICE**.

/s/Susan K. DeClercq
SUSAN K. DeCLERCQ
United States District Judge

Dated: June 23, 2025